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Attorneys for the United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
  
Plaintiff/Counter-Defendant/  
Cross-Defendant,

v.

JOHN C. CARPENTER, *et al.*,  
  
Defendants,

and

COUNTY OF ELKO,

Defendant/Counter-Claimant,

Case No. 3:99-cv-00547-RLH-RAM

**UNOPPOSED MOTION TO STAY**

1 THE WILDERNESS SOCIETY, *et al.*, )  
 2 )  
 3 Defendants/Intervenors/Cross-Claimants. )  
 \_\_\_\_\_ )

4 Plaintiff, the United States, hereby requests a 30-day stay of briefing. Under the current  
 5 schedule Plaintiff's and Defendant-Intervenor Wilderness Society's response to Defendants'  
 6 Motion to Dismiss for Mootness (Doc. 351) is due February 14, 2011. This stay would provide  
 7 until March 16, 2011, for Plaintiff and the Wilderness Society to file their responses.

8 This stay is requested because Elko County's motion to dismiss has triggered discussions  
 9 among the parties regarding the possibility of settlement and/or means for resolving this matter.  
 10 This is the first stay of briefing Plaintiff has requested and Defendant Elko County and  
 11 Defendant-Intervenors Wilderness Society do not oppose such a stay.

12 Therefore, Plaintiff requests that the Court stay briefing for 30 days, up to and including  
 13 March 16, 2011. Plaintiff will further advise the Court at that point as to whether an agreement  
 14 has been reached, or will file a response to Defendants' motion to dismiss for mootness. This  
 15 motion is supported by the attached declaration of David W. Gehlert.

16 Respectfully submitted this 14th day of February 2011.

17 DANIEL G. BOGDEN  
 18 United States Attorney

19 IGNACIA S. MORENO  
 Assistant Attorney General

20 /s/David W. Gehlert  
 21 DAVID W. GEHLERT  
 Trial Attorney  
 22 BLAINE T. WELSH  
 Assistant United States Attorney  
 23 HOLLY A. VANCE  
 Assistant United States Attorney

24 IT IS SO ORDERED:

25   
 26 UNITED STATES DISTRICT JUDGE  
 DATED: February 15, 2011

**PROOF OF SERVICE**

I, David W. Gehlert, certify that the following individuals were served with the  
**UNOPPOSED MOTION TO STAY** on this date by the below identified method of service:

**Electronic Case Filing**

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*Attorneys for the State of Nevada*

DATED this 14th day of February 2011.

/s/ David W. Gehlert  
DAVID W. GEHLERT  
Trial Attorney

# EXHIBIT

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Defendant/Counter-Claimant,

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1 THE WILDERNESS SOCIETY, *et al.*, )  
2 )  
3 Defendants/Intervenors/Cross-Claimants. )  
\_\_\_\_\_ )

4  
5 **DECLARATION OF DAVID W. GEHLERT**  
6 **IN SUPPORT OF UNOPPOSED MOTION TO STAY**

7 I, David W. Gehlert, hereby declare as follows pursuant to 28 U.S.C § 1746:

8 1. I am a trial attorney for the Department of Justice, Environment and Natural  
9 Resources Division, in Denver, Colorado. I am co-counsel representing the United States in the  
10 above-captioned matter. With this declaration I have filed an Unopposed Motion to Stay in  
11 which I requested a 30-day stay of briefing in the case.

12 2. This stay has been requested so that the parties may explore a settlement proposal  
13 presented to the United States and Elko County by attorneys for the defendant-intervenor the  
14 Wilderness Society.

15 3. Counsel for the United States has conferred with the other parties concerning this  
16 request of stay and none oppose.

17 4. The United States certifies that this motion is not submitted for the purpose of  
18 delay or any other improper purpose.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 14th day of February 2011, in Denver, Colorado.

21 IGNACIO S. MORENO  
22 Assistant Attorney General

23 /s/David W. Gehlert  
24 DAVID W. GEHLERT  
25 Trial Attorney  
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